THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27808 OF 2005

DATED 28-12-2005

BETWEEN:

Sri Damerakonda Appa Rao and others .. Petitioners

And

The Circle Inspector of Police

Mettewada P.S. and another

.. Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27808 OF 2005

ORDER:

This writ petition is filed to declare the action of the respondents in harassing the petitioners by calling them to the Police Station and detaining them for hours together without there being any cognizable offence and also without there being any justifiable reasons is arbitrary and illegal and consequently direct the respondents not to harass the petitioners by calling them to the

Police Station and detaining them for hours together.

It is the case of the petitioners that the second son of the petitioner no.1 viz., D.Ramesh, who is not a party to the writ petition was having a wine shop under the name and style 'Royal Wines' at Elakathurthi village and mandal, Karimagar District. He borrowed certain amounts from several persons including the petitioners 3 and 4. He sustained loss in his business. Therefore, he filed I.P.No.20 of 2005 to declare him as insolvent and the said case is pending on the file of the Senior Civil Judge, Warangal. The petitioners further stated that when the insolvency proceedings are pending, at the instance of the creditors, respondents are summoning the petitioners and pressurizing to pay the amounts payable to the creditors.

Having regard to the facts and circumstances of the case, I am of the opinion that when there being no report or complaint either for registering a case sue motto by the creditors, the respondents cannot interfere with the personal life of the petitioners with regard to the repayment of money by the said second son of the first petitioner. However, if any, complaint or report is filed for cognizable offence, it is always open for the respondents to register the case and investigate into.

In view of the above reasons, the writ petition is disposed of directing the respondents not to interfere with the personal life of the petitioners except otherwise as indicated above. No costs.

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28-12-2005

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